

## CHAPTER 6 AUTHORIZATIONS AND PERMITS

### 6.1 Federal, State of Montana, and State of Idaho Anticipated Permits

Table 6-1 lists the required federal, state and local agency approvals, reviews and permits for the Townsend to Midpoint 500 kV Transmission Line Project.

**Table 6-1 Authorizations, Permits, Reviews, and Approvals**

Action Requiring Permit, Approval or Review	Permit/Approval	Accepting Authority/ Approving Agency	Statutory Reference
<b>FEDERAL</b>			
Power Line Construction and Operation on Land Under Federal Management	Right of Way (ROW) Grant	BLM	FLPMA 1976 (PL94-579) USC 1761-1771 and 43 CFR 2800
Power Line Construction and Operation	Special Use Permit	Forest Service	36 CFR Part 251 Subpart B
National Environmental Policy Act (NEPA) Compliance to Grant ROW and FS Special Use Permit	Environmental Impact Statement (EIS)	BLM and FS	NEPA, CEQ 40 CFR Part 1500-et. seq.
Construction, operation and abandonment of transmission lines across or within highway ROWs	Permit to cross Federal Aid Highway	Federal Highway Administration (FHWA)	23 CFR 1.23 and 1.27 USC Sections 116, 123, 315 (23 CFR Part 645 Subpart B), 23 CFR 77
Grant of ROW by BLM	Endangered Species Act Compliance by FS and by FWS  Biological Assessment (BA) and Biological Evaluation (BE)	U.S. Fish & Wildlife Service	Endangered Species Act Section 7 Consultation
Grant of ROW by BLM	National Historic Preservation Act Compliance Section 106	BLM and State Historic Preservation Office	National Historic Preservation Act of 1966, 36 CFR part 800, 16 USC 47
Tower location and height relative to air traffic corridors	Notice of Proposed Construction or Alteration	Federal Aviation Administration (FAA)	49 USC 1501 13 CFR 77 Objects Affecting Navigable Airspace
Fill in a Wetland	404 Permit; Nationwide 12 and 33	Army Corps of Engineers	Clean Water Act Section 404

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<b>STATE OF MONTANA</b>			
Authorizes storm water discharges to surface waters of the state associated with the construction activities	General Discharge Permit for Storm Water Associated with Construction Activity	Montana Department of Environmental Quality (DEQ)	Montana Water Quality Act (75-5-401 et seq., MCA)
Permits construction activities in or near perennial streams on public and private lands	Montana Joint Application: 310 Permit	Montana Department of Environmental Quality (DEQ)	Montana Natural Streambed and Land Preservation Act (75-7-101 et seq., MCA)
Authorizes construction and operation of certain transmission lines with a design capacity greater than 69kV	Certificate of Compatibility	Montana Department of Environmental Quality (DEQ)	Major Facility Siting Act (MFSA) ( 75-20-101 et seq., MCA)
Allows construction activity within a designated 100 year flood plain	Montana Joint Application; Flood Plain Development Permit	Montana Department of Environmental Quality (DEQ)	Montana Floodplain and Floodway Management Act (76-5-401 through 406, MCA)
Authorizes short-term exemptions from certain surface water quality standards	Montana Joint Application: 318 Permit	Montana Department of Environmental Quality (DEQ)	Montana Water Quality Act (75-5-101 MCA)
Permit to excavate 10,000 cubic yards or more total aggregate from one or more pits regardless of surface ownership	Open Cut Permit (if new gravel sources are needed for the project)	Montana Department of Environmental Quality (DEQ)	Open Cut Mining Act (84-4-401 et seq., MCA)
Grant of ROW and easements and authorization of construction activities on state trust lands and navigable waterways	Easement/Land Use License	Board of Land Commissioners  +Montana Department of Natural Resources and Conservation	Title 77, MCA
Grant utility crossing permits for transmission line and access roads that may encroach on state maintained routes	Utility Crossing Permit	Montana Department of Transportation (MDOT)	RW 131 and/or RW 20
Consults with project applicants and state agencies regarding impacts on cultural resources that re listed or eligible for listing on the NRHP	State Historic Preservation Compliance	State Historic Preservation Act (SHPO)	Montana Antiquities Act (22-3-421 through 442, MCA)
Facilities Construction	Building permits per relevant building codes	Montana Department of Labor and Industry, Building Codes Bureau	Title 50, Chapter 60 and Title 50, Chapter 74, MCA

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<b>STATE OF IDAHO</b>			
Encroachment into State Highway ROW	ROW Occupancy Permit	Idaho Transportation Department (ITD)	IC Title 58 Chapter 6
Crossing on or through State Lands	ROW Easement	Idaho Department of Lands	IC Title 58 Chapter 6 Section 58-603
Obstructions to air flight	Notice of proposed construction	Idaho Transportation Department, Division of Aeronautics	IC 21-513 through 21-520 and ITD Rule No.39.04.02